

17497 U.S. PTO  
10/663577  
09/16/03

<b>Address to:</b> <b>Mail Stop PATENT APPLICATION</b> <b>Commissioner for Patents</b> <b>U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<i>Attorney Docket No.</i>	UOM 0294 PUS/2521
	<i>Inventor(s) or Appln. Identifier</i>	Robert G. Dennis, Ravi K. Birla, Marvin O. Boluyt, Ellen M. Arruda, Keith R. Baar, Gregory H. Borschel

1. This application entitled SYSTEM AND METHOD FOR FORMING A CARDIAC MUSCLE CONSTRUCT \_\_\_\_\_ is:
- a. \_\_\_\_\_ A new application under 37 C.F.R. § 1.53(b).
- b. X A \_\_\_\_\_ continuation \_\_\_\_\_ divisional or x continuation-in-part application under 37 C.F.R. § 1.53(b) of prior application Serial No. 09/709,890 filed on November 9, 2000, entitled Mammalian Muscle Construct and Method for Producing Same, which is a divisional of U.S. application Serial No. 09/153,721 filed on September 15, 1998, now U.S. Patent No. 6,207,451.
- c. \_\_\_\_\_ A new utility application which claims the benefit of provisional application Serial No. \_\_\_\_\_, filed on \_\_\_\_\_.

2.   X   Specification (including Claims and Abstract) [Total Pages 24 ]

3.   X   Drawings (    informal /   x   formal) [Total Sheets   6   ]

4.        Oath or Declaration

a.        Newly-executed

b.        Copy from a prior application (37 C.F.R. § 1.63(d))

5.   X   Incorporation By Reference: The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

6.        This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. § 1.53(d)(4).

a.        ***DELETE*** the following inventor(s) named in the prior nonprovisional application:

\_\_\_\_\_

b.        The inventor(s) to be deleted are set forth on a separate sheet attached hereto.

**CERTIFICATION UNDER 37 C.F.R. § 1.10**

I hereby certify that this **UTILITY PATENT APPLICATION TRANSMITTAL** and the documents referred to as attached therein are being deposited on the below date with the United States Postal Service in an envelope as "Express Mail Post Office to Addressee" addressed to: Mail Stop Patent Application, Commissioner for Patents, U.S. Patent & Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Express  
Mail Label No. EV 141 487 404 US

Date of Deposit: September 16, 2003

Angelika Phillips  
(Type or print name of person mailing paper)

Angelika Phillips  
(Signature of person mailing paper)

## 7. Preliminary Amendment:

- a. ☐ A Preliminary Amendment Under 37 C.F.R. § 1.115 is attached.
- b. ☐ Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee.
- c. ☐ Please amend the specification by inserting before the first line the following sentence:  
                   "This is a \_\_\_\_\_ continuation \_\_\_\_\_ divisional of copending  
                   application(s) serial number   /   filed on \_\_\_\_\_."
- d. ☐ A Petition to Suspend Prosecution For The Time Necessary to File An Amendment (New Application Filed Concurrently) is attached.

## 8. Small entity status:

- a. ☒ Applicant claims small entity status.
- b. ☐ Small entity status was claimed in the prior nonprovisional application and such status is still proper and desired.
- c. ☐ Is no longer desired.

## 9. Fee Calculation:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	CALCULATIONS
TOTAL CLAIMS (37 C.F.R. § 1.16(c))	40 -20 =	20	x 18.00	360.00
INDEPENDENT CLAIMS (37 C.F.R. § 1.16(b))	3 -3 =	--	x 84.00	--
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 C.F.R. §1.16(d))			280.00	--
BASIC FEE (37 C.F.R. § 1.16(a))				750.00
TOTAL OF ABOVE CALCULATIONS				1,110.00
REDUCTION BY 50% FOR FILING BY SMALL ENTITY (NOTE 37 C.F.R. §§ 1.9, 1.27, 1.28)				555.00
\$40.00 ASSIGNMENT RECORDAL FEE (if applicable)				--
TOTAL				555.00

10. ☐ A check in the amount of \$\_\_\_\_\_ is enclosed.
11. ☒ The Commissioner is hereby authorized to credit overpayments or charge the following fees (or any deficiency therein) to Deposit Account No. 02-3978 :
- a. ☒ Fees required under 37 C.F.R. § 1.16.
- b. ☒ Fees required under 37 C.F.R. § 1.17.

## 12. Maintenance of Copendency of Prior Application

☐ A request for extension of time and the appropriate fee have been filed in the pending prior application (or are being filed in the prior application concurrently herewith) to extend the period for response until \_\_\_\_\_.

13. ☐ An Information Disclosure Statement (IDS) is attached, along with the following indicated attachments thereto:
- a. ☐ Form PTO/SB/08 (☐ sheet(s))
- b. ☐ Copies of references cited
14. ☐ Certified copy of priority document(s) AND ☐ English Translation Document (if applicable)
15. ☐ Nonpublication Request Under 37 C.F.R. § 1.213(a)
16. ☐ Request for Early Publication Under 37 C.F.R. § 1.219
17. ☒ Return Receipt Postcard
18. ☐ Other: \_\_\_\_\_
19. ☒ An Assignment of the invention to The Regents of the University of Michigan  
having an address of 3003 S. State Street, Ann Arbor, MI 48109
- a. ☐ is attached.
- b. ☐ was recorded on \_\_\_\_\_ at Reel \_\_\_\_\_, Frame \_\_\_\_\_.
- c. ☒ Applicant requests that the above assignee information be published with the application.
20. The power of attorney in the prior application is to:
- Stephanie M. Mansfield 43,773  
Name of Attorney of Record Reg. No.
- ☒ The power appears in the original papers in the prior application.
- ☐ The power does not appear in the original papers, but was filed on \_\_\_\_\_.
- ☐ A new power has been executed and is attached.
21. Correspondence Address: Please address all future communications to:

CUSTOMER NO.

**22045**

Telephone: 248-358-4400; Fax: 248-358-3351

Respectfully submitted,

Robert G. Dennis, Ravi K. Birla, Marvin O. Boluyt,  
Ellen M. Arruda, Keith R. Baar, Gregory H. Borschel

Date September 16, 2003

Stephanie M Mansfield  
Name: Stephanie M. Mansfield  
Registration No.: 43,773

☐ Attorney or agent of record  
☒ Filed under Rule 34(a)